

Remarks/Arguments:

Claims 1, 2, 8 and 9 are pending. Claims 3-7 and 10-17 are cancelled. Claims 1, 2, 8 and 9 have been amended. Support for the amendment to claim 1 may be found in originally-filed claims 1, 6 and 7 and in the specification on pages 29-31. Support for the amendment to claim 2 may be found in originally-filed claim 2 and in the specification on pages 31-32. Support for the amendments to claims 8 and 9 may be found in originally-filed claims 8 and 9, respectively. No new matter has been added.

Reconsideration is respectfully requested in view of the remarks below and the amendments to the claims.

Rejections Under 35 U.S.C. § 112

Claims 1, 6 and 13- 17 were rejected under 35 U.S.C. § 112 for allegedly having insufficient antecedent basis. Claims 6 and 13-17 have been cancelled. Claim 1, as amended, provides sufficient antecedent basis for the terms used therein. Accordingly, Applicant respectfully requests that the rejections of claims 1, 6 and 13- 17 under 35 U.S.C. § 112 be withdrawn.

Claim Objections

Claim 2 was objected to for an informality of allegedly having words without spaces there between. All the words in claim 2, as amended, include spaces there between. Accordingly, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 112 be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-17 were rejected under 35 U.S.C. § 102(e) for allegedly being anticipated by U.S. Patent No. 6,647,417 to Hunter et al. ("Hunter"). Claim 1 includes a feature neither disclosed nor suggested by Hunter, namely, a requesting device that "stores said sent acquisition information in said recording medium."

Hunter describes a music distribution system that weaves an antipiracy tag into recorded music for tracing illegal copies (abstract). The music is blanket transmitted and "receivers store selections that are likely to be preferred by a specific customer" (abstract). The receivers selectively store certain music from the blanket transmitted music based where the selection is made based on those that may be desirable to a customer (col. 12, line 64 through col. 13, line 23).

Applicant's system sends conditional information for choosing content to a providing device. The providing device generates acquisition information for acquiring the content (page 29) and the acquisition information is sent to the requesting device and stored on a recording medium (page 30). The contents may then be downloaded in accordance with the details of the acquisition information (pages 31-32).

By storing the acquisition information on the recording medium, according to an embodiment of the invention, the recording medium may be inserted into a different requesting device and that different requesting device can use the stored acquisition information to download the corresponding contents. (page 40). In contrast, the Hunter system downloads music only from the system from which it was purchased.

Thus, claim 1 is not anticipated by Hunter at least because Hunter neither discloses nor suggests storing acquisition information on a recording device. In view of the amendments to claim 1 and the remarks above, Applicant respectfully requests therefore that the rejection of claim 1 under 35 U.S.C. Section 102(e) be withdrawn. Claims 2, 8 and 9 depend from claim 1 and, thus, are likewise not subject to rejection for at least the reasons set forth above with respect to claim 1. Claims 3-7 and 10-17 have been cancelled and are no longer subject to rejection. Accordingly, Applicant respectfully requests therefore that the rejection of claims 2-17 under 35 U.S.C. Section 102(e) be withdrawn.

In view of the amendments and remarks set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

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Respectfully submitted,

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

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